

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 185**

**Representative Ingram**

**Cosponsors: Representatives Becker, Crawley, Crossman, Galonski, Kelly,  
Lepore-Hagan, Lightbody, Liston, Miller, A., Skindell, Smith, K., Strahorn,  
Upchurch, Vitale**

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**A BILL**

To amend sections 9.28, 121.22, 149.011, 149.43, 149.436, 187.01, 187.03, and 187.04 of the Revised Code to establish that records kept by JobsOhio are public records subject to inspection and copying under Ohio Public Records Law and to require all meetings of the JobsOhio Board of Directors to be open to the public, except when in an executive session.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 9.28, 121.22, 149.011, 149.43, 149.436, 187.01, 187.03, and 187.04 of the Revised Code be amended to read as follows:

**Sec. 9.28.** (A) As used in this section:

(1) "Competitive solicitation" means a request for proposal or any other solicitation or announcement by a public office requiring bids or proposals for the provision of goods or services to that office.

(2) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" ~~does not include~~ includes the nonprofit corporation formed under section 187.01 of the Revised Code.

(3) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the constitution and laws of this state for the exercise of any function of state government, including any state-supported institution of higher education, the general assembly, any legislative agency, any court or judicial agency, or any political subdivision or agency of a political subdivision. "State agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(B) Except as provided in division (C) of this section, materials submitted to a public office in response to a competitive solicitation shall not be considered public records for purposes of section 149.43 of the Revised Code until the date the public office announces the award of a contract based on the competitive solicitation or the cancellation of the competitive solicitation.

(C) If a public office rejects all bids or proposals received in response to a competitive solicitation and, concurrently with the announcement of the rejection gives notice of its intent to reissue the solicitation, the materials submitted in response to the original competitive solicitation and the materials submitted in response to the reissued competitive solicitation shall not be considered public records for purposes of section 149.43 of the Revised Code until the

date the public office announces the award of a contract based 47  
on the reissued competitive solicitation or the cancellation of 48  
the reissued competitive solicitation. 49

**Sec. 121.22.** (A) This section shall be liberally construed 50  
to require public officials to take official action and to 51  
conduct all deliberations upon official business only in open 52  
meetings unless the subject matter is specifically excepted by 53  
law. 54

(B) As used in this section: 55

(1) "Public body" means any of the following: 56

(a) Any board, commission, committee, council, or similar 57  
decision-making body of a state agency, institution, or 58  
authority, and any legislative authority or board, commission, 59  
committee, council, agency, authority, or similar decision- 60  
making body of any county, township, municipal corporation, 61  
school district, or other political subdivision or local public 62  
institution; 63

(b) Any committee or subcommittee of a body described in 64  
division (B) (1) (a) of this section; 65

(c) A court of jurisdiction of a sanitary district 66  
organized wholly for the purpose of providing a water supply for 67  
domestic, municipal, and public use when meeting for the purpose 68  
of the appointment, removal, or reappointment of a member of the 69  
board of directors of such a district pursuant to section 70  
6115.10 of the Revised Code, if applicable, or for any other 71  
matter related to such a district other than litigation 72  
involving the district. As used in division (B) (1) (c) of this 73  
section, "court of jurisdiction" has the same meaning as "court" 74  
in section 6115.01 of the Revised Code. 75

- (2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members. 76  
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- (3) "Regulated individual" means either of the following: 78
- (a) A student in a state or local public educational institution; 79  
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- (b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care. 81  
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- (4) ~~"Public office" has the same meaning as in section 149.011 of the Revised Code~~ includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. 86  
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"Public office" does not include the nonprofit corporation formed under section 187.01 of the Revised Code. 91  
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- (C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. 93  
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- The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section. 99  
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- (D) This section does not apply to any of the following: 104

(1) A grand jury;	105
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	106 107 108
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	109 110 111 112 113 114 115 116
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	117 118
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	119 120 121 122 123 124
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	125 126 127 128
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	129 130 131 132
(8) The state board of pharmacy when determining whether	133

to suspend a license without a prior hearing pursuant to	134
division (D) of section 4729.16 of the Revised Code;	135
(9) The state chiropractic board when determining whether	136
to suspend a license without a hearing pursuant to section	137
4734.37 of the Revised Code;	138
(10) The executive committee of the emergency response	139
commission when determining whether to issue an enforcement	140
order or request that a civil action, civil penalty action, or	141
criminal action be brought to enforce Chapter 3750. of the	142
Revised Code;	143
(11) The board of directors of the nonprofit corporation	144
formed under section 187.01 of the Revised Code or any committee	145
thereof, and the board of directors of any subsidiary of that	146
corporation or a committee thereof;	147
(12) An audit conference conducted by the audit staff of	148
the department of job and family services with officials of the	149
public office that is the subject of that audit under section	150
5101.37 of the Revised Code;	151
(13) The occupational therapy section of the occupational	152
therapy, physical therapy, and athletic trainers board when	153
determining whether to suspend a license or limited permit	154
without a hearing pursuant to division (D) of section 4755.11 of	155
the Revised Code;	156
(14) The physical therapy section of the occupational	157
therapy, physical therapy, and athletic trainers board when	158
determining whether to suspend a license without a hearing	159
pursuant to division (E) of section 4755.47 of the Revised Code;	160
(15) The athletic trainers section of the occupational	161
therapy, physical therapy, and athletic trainers board when	162

determining whether to suspend a license without a hearing	163
pursuant to division (D) of section 4755.64 of the Revised Code.	164
(E) The controlling board, the tax credit authority, or	165
the minority development financing advisory board, when meeting	166
to consider granting assistance pursuant to Chapter 122. or 166.	167
of the Revised Code, in order to protect the interest of the	168
applicant or the possible investment of public funds, by	169
unanimous vote of all board or authority members present, may	170
close the meeting during consideration of the following	171
information confidentially received by the authority or board	172
from the applicant:	173
(1) Marketing plans;	174
(2) Specific business strategy;	175
(3) Production techniques and trade secrets;	176
(4) Financial projections;	177
(5) Personal financial statements of the applicant or	178
members of the applicant's immediate family, including, but not	179
limited to, tax records or other similar information not open to	180
public inspection.	181
The vote by the authority or board to accept or reject the	182
application, as well as all proceedings of the authority or	183
board not subject to this division, shall be open to the public	184
and governed by this section.	185
(F) Every public body, by rule, shall establish a	186
reasonable method whereby any person may determine the time and	187
place of all regularly scheduled meetings and the time, place,	188
and purpose of all special meetings. A public body shall not	189
hold a special meeting unless it gives at least twenty-four	190

hours' advance notice to the news media that have requested 191  
notification, except in the event of an emergency requiring 192  
immediate official action. In the event of an emergency, the 193  
member or members calling the meeting shall notify the news 194  
media that have requested notification immediately of the time, 195  
place, and purpose of the meeting. 196

The rule shall provide that any person, upon request and 197  
payment of a reasonable fee, may obtain reasonable advance 198  
notification of all meetings at which any specific type of 199  
public business is to be discussed. Provisions for advance 200  
notification may include, but are not limited to, mailing the 201  
agenda of meetings to all subscribers on a mailing list or 202  
mailing notices in self-addressed, stamped envelopes provided by 203  
the person. 204

(G) Except as provided in divisions (G)(8) and (J) of this 205  
section, the members of a public body may hold an executive 206  
session only after a majority of a quorum of the public body 207  
determines, by a roll call vote, to hold an executive session 208  
and only at a regular or special meeting for the sole purpose of 209  
the consideration of any of the following matters: 210

(1) To consider the appointment, employment, dismissal, 211  
discipline, promotion, demotion, or compensation of a public 212  
employee or official, or the investigation of charges or 213  
complaints against a public employee, official, licensee, or 214  
regulated individual, unless the public employee, official, 215  
licensee, or regulated individual requests a public hearing. 216  
Except as otherwise provided by law, no public body shall hold 217  
an executive session for the discipline of an elected official 218  
for conduct related to the performance of the elected official's 219  
official duties or for the elected official's removal from 220

office. If a public body holds an executive session pursuant to 221  
division (G) (1) of this section, the motion and vote to hold 222  
that executive session shall state which one or more of the 223  
approved purposes listed in division (G) (1) of this section are 224  
the purposes for which the executive session is to be held, but 225  
need not include the name of any person to be considered at the 226  
meeting. 227

(2) To consider the purchase of property for public 228  
purposes, the sale of property at competitive bidding, or the 229  
sale or other disposition of unneeded, obsolete, or unfit-for- 230  
use property in accordance with section 505.10 of the Revised 231  
Code, if premature disclosure of information would give an 232  
unfair competitive or bargaining advantage to a person whose 233  
personal, private interest is adverse to the general public 234  
interest. No member of a public body shall use division (G) (2) 235  
of this section as a subterfuge for providing covert information 236  
to prospective buyers or sellers. A purchase or sale of public 237  
property is void if the seller or buyer of the public property 238  
has received covert information from a member of a public body 239  
that has not been disclosed to the general public in sufficient 240  
time for other prospective buyers and sellers to prepare and 241  
submit offers. 242

If the minutes of the public body show that all meetings 243  
and deliberations of the public body have been conducted in 244  
compliance with this section, any instrument executed by the 245  
public body purporting to convey, lease, or otherwise dispose of 246  
any right, title, or interest in any public property shall be 247  
conclusively presumed to have been executed in compliance with 248  
this section insofar as title or other interest of any bona fide 249  
purchasers, lessees, or transferees of the property is 250  
concerned. 251

(3) Conferences with an attorney for the public body	252
concerning disputes involving the public body that are the	253
subject of pending or imminent court action;	254
(4) Preparing for, conducting, or reviewing negotiations	255
or bargaining sessions with public employees concerning their	256
compensation or other terms and conditions of their employment;	257
(5) Matters required to be kept confidential by federal	258
law or regulations or state statutes;	259
(6) Details relative to the security arrangements and	260
emergency response protocols for a public body or a public	261
office, if disclosure of the matters discussed could reasonably	262
be expected to jeopardize the security of the public body or	263
public office;	264
(7) In the case of a county hospital operated pursuant to	265
Chapter 339. of the Revised Code, a joint township hospital	266
operated pursuant to Chapter 513. of the Revised Code, or a	267
municipal hospital operated pursuant to Chapter 749. of the	268
Revised Code, to consider trade secrets, as defined in section	269
1333.61 of the Revised Code;	270
(8) To consider confidential information related to the	271
marketing plans, specific business strategy, production	272
techniques, trade secrets, or personal financial statements of	273
an applicant for economic development assistance, or to	274
negotiations with other political subdivisions respecting	275
requests for economic development assistance, provided that both	276
of the following conditions apply:	277
(a) The information is directly related to a request for	278
economic development assistance that is to be provided or	279
administered under any provision of Chapter 715., 725., 1724.,	280

or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 281  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 282  
5709.81 of the Revised Code, or that involves public 283  
infrastructure improvements or the extension of utility services 284  
that are directly related to an economic development project. 285

(b) A unanimous quorum of the public body determines, by a 286  
roll call vote, that the executive session is necessary to 287  
protect the interests of the applicant or the possible 288  
investment or expenditure of public funds to be made in 289  
connection with the economic development project. 290

If a public body holds an executive session to consider 291  
any of the matters listed in divisions (G) (2) to (8) of this 292  
section, the motion and vote to hold that executive session 293  
shall state which one or more of the approved matters listed in 294  
those divisions are to be considered at the executive session. 295

A public body specified in division (B) (1) (c) of this 296  
section shall not hold an executive session when meeting for the 297  
purposes specified in that division. 298

(H) A resolution, rule, or formal action of any kind is 299  
invalid unless adopted in an open meeting of the public body. A 300  
resolution, rule, or formal action adopted in an open meeting 301  
that results from deliberations in a meeting not open to the 302  
public is invalid unless the deliberations were for a purpose 303  
specifically authorized in division (G) or (J) of this section 304  
and conducted at an executive session held in compliance with 305  
this section. A resolution, rule, or formal action adopted in an 306  
open meeting is invalid if the public body that adopted the 307  
resolution, rule, or formal action violated division (F) of this 308  
section. 309

(I) (1) Any person may bring an action to enforce this 310  
section. An action under division (I) (1) of this section shall 311  
be brought within two years after the date of the alleged 312  
violation or threatened violation. Upon proof of a violation or 313  
threatened violation of this section in an action brought by any 314  
person, the court of common pleas shall issue an injunction to 315  
compel the members of the public body to comply with its 316  
provisions. 317

(2) (a) If the court of common pleas issues an injunction 318  
pursuant to division (I) (1) of this section, the court shall 319  
order the public body that it enjoins to pay a civil forfeiture 320  
of five hundred dollars to the party that sought the injunction 321  
and shall award to that party all court costs and, subject to 322  
reduction as described in division (I) (2) of this section, 323  
reasonable attorney's fees. The court, in its discretion, may 324  
reduce an award of attorney's fees to the party that sought the 325  
injunction or not award attorney's fees to that party if the 326  
court determines both of the following: 327

(i) That, based on the ordinary application of statutory 328  
law and case law as it existed at the time of violation or 329  
threatened violation that was the basis of the injunction, a 330  
well-informed public body reasonably would believe that the 331  
public body was not violating or threatening to violate this 332  
section; 333

(ii) That a well-informed public body reasonably would 334  
believe that the conduct or threatened conduct that was the 335  
basis of the injunction would serve the public policy that 336  
underlies the authority that is asserted as permitting that 337  
conduct or threatened conduct. 338

(b) If the court of common pleas does not issue an 339

injunction pursuant to division (I)(1) of this section and the 340  
court determines at that time that the bringing of the action 341  
was frivolous conduct, as defined in division (A) of section 342  
2323.51 of the Revised Code, the court shall award to the public 343  
body all court costs and reasonable attorney's fees, as 344  
determined by the court. 345

(3) Irreparable harm and prejudice to the party that 346  
sought the injunction shall be conclusively and irrebuttably 347  
presumed upon proof of a violation or threatened violation of 348  
this section. 349

(4) A member of a public body who knowingly violates an 350  
injunction issued pursuant to division (I)(1) of this section 351  
may be removed from office by an action brought in the court of 352  
common pleas for that purpose by the prosecuting attorney or the 353  
attorney general. 354

(J)(1) Pursuant to division (C) of section 5901.09 of the 355  
Revised Code, a veterans service commission shall hold an 356  
executive session for one or more of the following purposes 357  
unless an applicant requests a public hearing: 358

(a) Interviewing an applicant for financial assistance 359  
under sections 5901.01 to 5901.15 of the Revised Code; 360

(b) Discussing applications, statements, and other 361  
documents described in division (B) of section 5901.09 of the 362  
Revised Code; 363

(c) Reviewing matters relating to an applicant's request 364  
for financial assistance under sections 5901.01 to 5901.15 of 365  
the Revised Code. 366

(2) A veterans service commission shall not exclude an 367  
applicant for, recipient of, or former recipient of financial 368

assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

**Sec. 149.011.** As used in this chapter, except as otherwise provided:

(A) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" ~~does not include~~ includes the nonprofit corporation formed under section 187.01 of the Revised Code.

(B) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the constitution and laws of this state for the exercise of any function of state government, including any state-supported institution of higher education, the general assembly, any legislative agency, any court or judicial agency, or any political subdivision or agency of a political subdivision. "State agency" does not include the nonprofit corporation formed

under section 187.01 of the Revised Code. 399

~~(C) "Public money" includes all money received or 400  
collected by or due a public official, whether in accordance 401  
with or under authority of any law, ordinance, resolution, or 402  
order, under color of office, or otherwise. It also includes any 403  
money collected by any individual on behalf of a public office 404  
or as a purported representative or agent of the public office. 405~~

~~(D) "Public official" includes all officers, employees, or 406  
duly authorized representatives or agents of a public office. 407~~

~~(E) (D) "Color of office" includes any act purported or 408  
alleged to be done under any law, ordinance, resolution, order, 409  
or other pretension to official right, power, or authority. 410~~

~~(F) (E) "Archive" includes any public record that is 411  
transferred to the state archives or other designated archival 412  
institutions because of the historical information contained on 413  
it. 414~~

~~(G) (F) "Records" includes any document, device, or item, 415  
regardless of physical form or characteristic, including an 416  
electronic record as defined in section 1306.01 of the Revised 417  
Code, created or received by or coming under the jurisdiction of 418  
any public office of the state or its political subdivisions, 419  
which serves to document the organization, functions, policies, 420  
decisions, procedures, operations, or other activities of the 421  
office. 422~~

**Sec. 149.43.** (A) As used in this section: 423

(1) "Public record" means records kept by any public 424  
office, including, but not limited to, state, county, city, 425  
village, township, and school district units, and records 426  
pertaining to the delivery of educational services by an 427

alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to	428
section 3313.533 of the Revised Code. "Public record" does not	429
mean any of the following:	430
(a) Medical records;	431
(b) Records pertaining to probation and parole	432
proceedings, to proceedings related to the imposition of	433
community control sanctions and post-release control sanctions,	434
or to proceedings related to determinations under section	435
2967.271 of the Revised Code regarding the release or maintained	436
incarceration of an offender to whom that section applies;	437
(c) Records pertaining to actions under section 2151.85	438
and division (C) of section 2919.121 of the Revised Code and to	439
appeals of actions arising under those sections;	440
(d) Records pertaining to adoption proceedings, including	441
the contents of an adoption file maintained by the department of	442
health under sections 3705.12 to 3705.124 of the Revised Code;	443
(e) Information in a record contained in the putative	444
father registry established by section 3107.062 of the Revised	445
Code, regardless of whether the information is held by the	446
department of job and family services or, pursuant to section	447
3111.69 of the Revised Code, the office of child support in the	448
department or a child support enforcement agency;	449
(f) Records specified in division (A) of section 3107.52	450
of the Revised Code;	451
(g) Trial preparation records;	452
(h) Confidential law enforcement investigatory records;	453
(i) Records containing information that is confidential	454
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under section 2710.03 or 4112.05 of the Revised Code;	456
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	457 458
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	459 460 461 462
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	463 464 465 466
(m) Intellectual property records;	467
(n) Donor profile records;	468
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	469 470
(p) Designated public service worker residential and familial information;	471 472
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	473 474 475 476 477
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	478 479
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the	480 481 482

director of health under section 3701.70 of the Revised Code, 483  
records provided to the board or director, statements made by 484  
board members during meetings of the board or by persons 485  
participating in the director's review, and all work products of 486  
the board or director, and in the case of a child fatality 487  
review board, child fatality review data submitted by the board 488  
to the department of health or a national child death review 489  
database, other than the report prepared pursuant to division 490  
(A) of section 307.626 of the Revised Code; 491

(t) Records provided to and statements made by the 492  
executive director of a public children services agency or a 493  
prosecuting attorney acting pursuant to section 5153.171 of the 494  
Revised Code other than the information released under that 495  
section; 496

(u) Test materials, examinations, or evaluation tools used 497  
in an examination for licensure as a nursing home administrator 498  
that the board of executives of long-term services and supports 499  
administers under section 4751.04 of the Revised Code or 500  
contracts under that section with a private or government entity 501  
to administer; 502

(v) Records the release of which is prohibited by state or 503  
federal law; 504

(w) Proprietary information of or relating to any person 505  
that is submitted to or compiled by the Ohio venture capital 506  
authority created under section 150.01 of the Revised Code; 507

(x) Financial statements and data any person submits for 508  
any purpose to the Ohio housing finance agency or the 509  
controlling board in connection with applying for, receiving, or 510  
accounting for financial assistance from the agency, and 511

information that identifies any individual who benefits directly 512  
or indirectly from financial assistance from the agency; 513

(y) Records listed in section 5101.29 of the Revised Code; 514

(z) Discharges recorded with a county recorder under 515  
section 317.24 of the Revised Code, as specified in division (B) 516  
(2) of that section; 517

(aa) Usage information including names and addresses of 518  
specific residential and commercial customers of a municipally 519  
owned or operated public utility; 520

~~(bb) Records described in division (C) of section 187.04-~~ 521  
~~of the Revised Code that are not designated to be made available-~~ 522  
~~to the public as provided in that division;—~~ 523

~~(ee)~~—Information and records that are made confidential, 524  
privileged, and not subject to disclosure under divisions (B) 525  
and (C) of section 2949.221 of the Revised Code; 526

~~(dd)~~—(cc) Personal information, as defined in section 527  
149.45 of the Revised Code; 528

~~(ee)~~—(dd) The confidential name, address, and other 529  
personally identifiable information of a program participant in 530  
the address confidentiality program established under sections 531  
111.41 to 111.47 of the Revised Code, including the contents of 532  
any application for absent voter's ballots, absent voter's 533  
ballot identification envelope statement of voter, or 534  
provisional ballot affirmation completed by a program 535  
participant who has a confidential voter registration record, 536  
and records or portions of records pertaining to that program 537  
that identify the number of program participants that reside 538  
within a precinct, ward, township, municipal corporation, 539  
county, or any other geographic area smaller than the state. As 540

used in this division, "confidential address" and "program  
participant" have the meaning defined in section 111.41 of the  
Revised Code.

~~(ff)~~ (ee) Orders for active military service of an  
individual serving or with previous service in the armed forces  
of the United States, including a reserve component, or the Ohio  
organized militia, except that, such order becomes a public  
record on the day that is fifteen years after the published date  
or effective date of the call to order;

~~(gg)~~ (ff) The name, address, contact information, or other  
personal information of an individual who is less than eighteen  
years of age that is included in any record related to a traffic  
accident involving a school vehicle in which the individual was  
an occupant at the time of the accident;

~~(hh)~~ (gg) Protected health information, as defined in 45  
C.F.R. 160.103, that is in a claim for payment for a health care  
product, service, or procedure, as well as any other health  
claims data in another document that reveals the identity of an  
individual who is the subject of the data or could be used to  
reveal that individual's identity;

~~(ii)~~ (hh) Any depiction by photograph, film, videotape, or  
printed or digital image under either of the following  
circumstances:

(i) The depiction is that of a victim of an offense the  
release of which would be, to a reasonable person of ordinary  
sensibilities, an offensive and objectionable intrusion into the  
victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a  
sexually oriented offense, as defined in section 2950.01 of the

Revised Code, at the actual occurrence of that offense. 570

~~(jj)~~ (ii) Restricted portions of a body-worn camera or 571  
dashboard camera recording. 572

A record that is not a public record under division (A) (1) 573  
of this section and that, under law, is permanently retained 574  
becomes a public record on the day that is seventy-five years 575  
after the day on which the record was created, except for any 576  
record protected by the attorney-client privilege, a trial 577  
preparation record as defined in this section, a statement 578  
prohibiting the release of identifying information signed under 579  
section 3107.083 of the Revised Code, a denial of release form 580  
filed pursuant to section 3107.46 of the Revised Code, or any 581  
record that is exempt from release or disclosure under section 582  
149.433 of the Revised Code. If the record is a birth 583  
certificate and a biological parent's name redaction request 584  
form has been accepted under section 3107.391 of the Revised 585  
Code, the name of that parent shall be redacted from the birth 586  
certificate before it is released under this paragraph. If any 587  
other section of the Revised Code establishes a time period for 588  
disclosure of a record that conflicts with the time period 589  
specified in this section, the time period in the other section 590  
prevails. 591

(2) "Confidential law enforcement investigatory record" 592  
means any record that pertains to a law enforcement matter of a 593  
criminal, quasi-criminal, civil, or administrative nature, but 594  
only to the extent that the release of the record would create a 595  
high probability of disclosure of any of the following: 596

(a) The identity of a suspect who has not been charged 597  
with the offense to which the record pertains, or of an 598  
information source or witness to whom confidentiality has been 599

reasonably promised; 600

(b) Information provided by an information source or 601  
witness to whom confidentiality has been reasonably promised, 602  
which information would reasonably tend to disclose the source's 603  
or witness's identity; 604

(c) Specific confidential investigatory techniques or 605  
procedures or specific investigatory work product; 606

(d) Information that would endanger the life or physical 607  
safety of law enforcement personnel, a crime victim, a witness, 608  
or a confidential information source. 609

(3) "Medical record" means any document or combination of 610  
documents, except births, deaths, and the fact of admission to 611  
or discharge from a hospital, that pertains to the medical 612  
history, diagnosis, prognosis, or medical condition of a patient 613  
and that is generated and maintained in the process of medical 614  
treatment. 615

(4) "Trial preparation record" means any record that 616  
contains information that is specifically compiled in reasonable 617  
anticipation of, or in defense of, a civil or criminal action or 618  
proceeding, including the independent thought processes and 619  
personal trial preparation of an attorney. 620

(5) "Intellectual property record" means a record, other 621  
than a financial or administrative record, that is produced or 622  
collected by or for faculty or staff of a state institution of 623  
higher learning in the conduct of or as a result of study or 624  
research on an educational, commercial, scientific, artistic, 625  
technical, or scholarly issue, regardless of whether the study 626  
or research was sponsored by the institution alone or in 627  
conjunction with a governmental body or private concern, and 628

that has not been publicly released, published, or patented. 629

(6) "Donor profile record" means all records about donors 630  
or potential donors to a public institution of higher education 631  
except the names and reported addresses of the actual donors and 632  
the date, amount, and conditions of the actual donation. 633

(7) "Designated public service worker" means a peace 634  
officer, parole officer, probation officer, bailiff, prosecuting 635  
attorney, assistant prosecuting attorney, correctional employee, 636  
county or multicounty corrections officer, community-based 637  
correctional facility employee, youth services employee, 638  
firefighter, EMT, medical director or member of a cooperating 639  
physician advisory board of an emergency medical service 640  
organization, state board of pharmacy employee, investigator of 641  
the bureau of criminal identification and investigation, judge, 642  
magistrate, or federal law enforcement officer. 643

(8) "Designated public service worker residential and 644  
familial information" means any information that discloses any 645  
of the following about a designated public service worker: 646

(a) The address of the actual personal residence of a 647  
designated public service worker, except for the following 648  
information: 649

(i) The address of the actual personal residence of a 650  
prosecuting attorney or judge; and 651

(ii) The state or political subdivision in which a 652  
designated public service worker resides. 653

(b) Information compiled from referral to or participation 654  
in an employee assistance program; 655

(c) The social security number, the residential telephone 656

number, any bank account, debit card, charge card, or credit  
card number, or the emergency telephone number of, or any  
medical information pertaining to, a designated public service  
worker;

(d) The name of any beneficiary of employment benefits,  
including, but not limited to, life insurance benefits, provided  
to a designated public service worker by the designated public  
service worker's employer;

(e) The identity and amount of any charitable or  
employment benefit deduction made by the designated public  
service worker's employer from the designated public service  
worker's compensation, unless the amount of the deduction is  
required by state or federal law;

(f) The name, the residential address, the name of the  
employer, the address of the employer, the social security  
number, the residential telephone number, any bank account,  
debit card, charge card, or credit card number, or the emergency  
telephone number of the spouse, a former spouse, or any child of  
a designated public service worker;

(g) A photograph of a peace officer who holds a position  
or has an assignment that may include undercover or plain  
clothes positions or assignments as determined by the peace  
officer's appointing authority.

(9) As used in divisions (A) (7) and (15) to (17) of this  
section:

"Peace officer" has the meaning defined in section 109.71  
of the Revised Code and also includes the superintendent and  
troopers of the state highway patrol; it does not include the  
sheriff of a county or a supervisory employee who, in the

absence of the sheriff, is authorized to stand in for, exercise 686  
the authority of, and perform the duties of the sheriff. 687

"Correctional employee" means any employee of the 688  
department of rehabilitation and correction who in the course of 689  
performing the employee's job duties has or has had contact with 690  
inmates and persons under supervision. 691

"County or multicounty corrections officer" means any 692  
corrections officer employed by any county or multicounty 693  
correctional facility. 694

"Youth services employee" means any employee of the 695  
department of youth services who in the course of performing the 696  
employee's job duties has or has had contact with children 697  
committed to the custody of the department of youth services. 698

"Firefighter" means any regular, paid or volunteer, member 699  
of a lawfully constituted fire department of a municipal 700  
corporation, township, fire district, or village. 701

"EMT" means EMTs-basic, EMTs-I, and paramedics that 702  
provide emergency medical services for a public emergency 703  
medical service organization. "Emergency medical service 704  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 705  
meanings defined in section 4765.01 of the Revised Code. 706

"Investigator of the bureau of criminal identification and 707  
investigation" has the meaning defined in section 2903.11 of the 708  
Revised Code. 709

"Federal law enforcement officer" has the meaning defined 710  
in section 9.88 of the Revised Code. 711

(10) "Information pertaining to the recreational 712  
activities of a person under the age of eighteen" means 713

information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured

person's guardian has been obtained; 771

(e) An act of severe violence against a person that 772  
results in serious physical harm to the person, unless the act 773  
and injury was effected by a peace officer or, subject to 774  
division (H) (1) of this section, the consent of the injured 775  
person or the injured person's guardian has been obtained; 776

(f) Grievous bodily harm to a peace officer, firefighter, 777  
paramedic, or other first responder, occurring while the injured 778  
person was engaged in the performance of official duties, 779  
unless, subject to division (H) (1) of this section, the consent 780  
of the injured person or the injured person's guardian has been 781  
obtained; 782

(g) An act of severe violence resulting in serious 783  
physical harm against a peace officer, firefighter, paramedic, 784  
or other first responder, occurring while the injured person was 785  
engaged in the performance of official duties, unless, subject 786  
to division (H) (1) of this section, the consent of the injured 787  
person or the injured person's guardian has been obtained; 788

(h) A person's nude body, unless, subject to division (H) 789  
(1) of this section, the person's consent has been obtained; 790

(i) Protected health information, the identity of a person 791  
in a health care facility who is not the subject of a law 792  
enforcement encounter, or any other information in a health care 793  
facility that could identify a person who is not the subject of 794  
a law enforcement encounter; 795

(j) Information that could identify the alleged victim of 796  
a sex offense, menacing by stalking, or domestic violence; 797

(k) Information, that does not constitute a confidential 798  
law enforcement investigatory record, that could identify a 799

person who provides sensitive or confidential information to a 800  
law enforcement agency when the disclosure of the person's 801  
identity or the information provided could reasonably be 802  
expected to threaten or endanger the safety or property of the 803  
person or another person; 804

(l) Personal information of a person who is not arrested, 805  
cited, charged, or issued a written warning by a peace officer; 806

(m) Proprietary police contingency plans or tactics that 807  
are intended to prevent crime and maintain public order and 808  
safety; 809

(n) A personal conversation unrelated to work between 810  
peace officers or between a peace officer and an employee of a 811  
law enforcement agency; 812

(o) A conversation between a peace officer and a member of 813  
the public that does not concern law enforcement activities; 814

(p) The interior of a residence, unless the interior of a 815  
residence is the location of an adversarial encounter with, or a 816  
use of force by, a peace officer; 817

(q) Any portion of the interior of a private business that 818  
is not open to the public, unless an adversarial encounter with, 819  
or a use of force by, a peace officer occurs in that location. 820

As used in division (A) (17) of this section: 821

"Grievous bodily harm" has the same meaning as in section 822  
5924.120 of the Revised Code. 823

"Health care facility" has the same meaning as in section 824  
1337.11 of the Revised Code. 825

"Protected health information" has the same meaning as in 826

45 C.F.R. 160.103.	827
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	828 829
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	830 831 832 833
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	834 835
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	836 837
(B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except	838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855

if federal or state law authorizes or requires a public office 856  
to make the redaction. 857

(2) To facilitate broader access to public records, a 858  
public office or the person responsible for public records shall 859  
organize and maintain public records in a manner that they can 860  
be made available for inspection or copying in accordance with 861  
division (B) of this section. A public office also shall have 862  
available a copy of its current records retention schedule at a 863  
location readily available to the public. If a requester makes 864  
an ambiguous or overly broad request or has difficulty in making 865  
a request for copies or inspection of public records under this 866  
section such that the public office or the person responsible 867  
for the requested public record cannot reasonably identify what 868  
public records are being requested, the public office or the 869  
person responsible for the requested public record may deny the 870  
request but shall provide the requester with an opportunity to 871  
revise the request by informing the requester of the manner in 872  
which records are maintained by the public office and accessed 873  
in the ordinary course of the public office's or person's 874  
duties. 875

(3) If a request is ultimately denied, in part or in 876  
whole, the public office or the person responsible for the 877  
requested public record shall provide the requester with an 878  
explanation, including legal authority, setting forth why the 879  
request was denied. If the initial request was provided in 880  
writing, the explanation also shall be provided to the requester 881  
in writing. The explanation shall not preclude the public office 882  
or the person responsible for the requested public record from 883  
relying upon additional reasons or legal authority in defending 884  
an action commenced under division (C) of this section. 885

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or

person responsible for the public record determines that it 917  
reasonably can be duplicated as an integral part of the normal 918  
operations of the public office or person responsible for the 919  
public record. When the person requesting the copy makes a 920  
choice under this division, the public office or person 921  
responsible for the public record shall provide a copy of it in 922  
accordance with the choice made by that person. Nothing in this 923  
section requires a public office or person responsible for the 924  
public record to allow the person requesting a copy of the 925  
public record to make the copies of the public record. 926

(7) (a) Upon a request made in accordance with division (B) 927  
of this section and subject to division (B) (6) of this section, 928  
a public office or person responsible for public records shall 929  
transmit a copy of a public record to any person by United 930  
States mail or by any other means of delivery or transmission 931  
within a reasonable period of time after receiving the request 932  
for the copy. The public office or person responsible for the 933  
public record may require the person making the request to pay 934  
in advance the cost of postage if the copy is transmitted by 935  
United States mail or the cost of delivery if the copy is 936  
transmitted other than by United States mail, and to pay in 937  
advance the costs incurred for other supplies used in the 938  
mailing, delivery, or transmission. 939

(b) Any public office may adopt a policy and procedures 940  
that it will follow in transmitting, within a reasonable period 941  
of time after receiving a request, copies of public records by 942  
United States mail or by any other means of delivery or 943  
transmission pursuant to division (B) (7) of this section. A 944  
public office that adopts a policy and procedures under division 945  
(B) (7) of this section shall comply with them in performing its 946  
duties under that division. 947

(c) In any policy and procedures adopted under division 948  
(B) (7) of this section: 949

(i) A public office may limit the number of records 950  
requested by a person that the office will physically deliver by 951  
United States mail or by another delivery service to ten per 952  
month, unless the person certifies to the office in writing that 953  
the person does not intend to use or forward the requested 954  
records, or the information contained in them, for commercial 955  
purposes; 956

(ii) A public office that chooses to provide some or all 957  
of its public records on a web site that is fully accessible to 958  
and searchable by members of the public at all times, other than 959  
during acts of God outside the public office's control or 960  
maintenance, and that charges no fee to search, access, 961  
download, or otherwise receive records provided on the web site, 962  
may limit to ten per month the number of records requested by a 963  
person that the office will deliver in a digital format, unless 964  
the requested records are not provided on the web site and 965  
unless the person certifies to the office in writing that the 966  
person does not intend to use or forward the requested records, 967  
or the information contained in them, for commercial purposes. 968

(iii) For purposes of division (B) (7) of this section, 969  
"commercial" shall be narrowly construed and does not include 970  
reporting or gathering news, reporting or gathering information 971  
to assist citizen oversight or understanding of the operation or 972  
activities of government, or nonprofit educational research. 973

(8) A public office or person responsible for public 974  
records is not required to permit a person who is incarcerated 975  
pursuant to a criminal conviction or a juvenile adjudication to 976  
inspect or to obtain a copy of any public record concerning a 977

criminal investigation or prosecution or concerning what would 978  
be a criminal investigation or prosecution if the subject of the 979  
investigation or prosecution were an adult, unless the request 980  
to inspect or to obtain a copy of the record is for the purpose 981  
of acquiring information that is subject to release as a public 982  
record under this section and the judge who imposed the sentence 983  
or made the adjudication with respect to the person, or the 984  
judge's successor in office, finds that the information sought 985  
in the public record is necessary to support what appears to be 986  
a justiciable claim of the person. 987

(9) (a) Upon written request made and signed by a 988  
journalist, a public office, or person responsible for public 989  
records, having custody of the records of the agency employing a 990  
specified designated public service worker shall disclose to the 991  
journalist the address of the actual personal residence of the 992  
designated public service worker and, if the designated public 993  
service worker's spouse, former spouse, or child is employed by 994  
a public office, the name and address of the employer of the 995  
designated public service worker's spouse, former spouse, or 996  
child. The request shall include the journalist's name and title 997  
and the name and address of the journalist's employer and shall 998  
state that disclosure of the information sought would be in the 999  
public interest. 1000

(b) Division (B) (9) (a) of this section also applies to 1001  
journalist requests for: 1002

(i) Customer information maintained by a municipally owned 1003  
or operated public utility, other than social security numbers 1004  
and any private financial information such as credit reports, 1005  
payment methods, credit card numbers, and bank account 1006  
information; 1007

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) ~~(gg)~~ (ff) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B) (9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A) (1) ~~(gg)~~ (ff) of this section to the victim, victim's attorney, or victim's representative.

(C) (1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that 1038  
orders the public office or the person responsible for the 1039  
public record to comply with division (B) of this section, that 1040  
awards court costs and reasonable attorney's fees to the person 1041  
that instituted the mandamus action, and, if applicable, that 1042  
includes an order fixing statutory damages under division (C) (2) 1043  
of this section. The mandamus action may be commenced in the 1044  
court of common pleas of the county in which division (B) of 1045  
this section allegedly was not complied with, in the supreme 1046  
court pursuant to its original jurisdiction under Section 2 of 1047  
Article IV, Ohio Constitution, or in the court of appeals for 1048  
the appellate district in which division (B) of this section 1049  
allegedly was not complied with pursuant to its original 1050  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1051

(2) If a requester transmits a written request by hand 1052  
delivery, electronic submission, or certified mail to inspect or 1053  
receive copies of any public record in a manner that fairly 1054  
describes the public record or class of public records to the 1055  
public office or person responsible for the requested public 1056  
records, except as otherwise provided in this section, the 1057  
requester shall be entitled to recover the amount of statutory 1058  
damages set forth in this division if a court determines that 1059  
the public office or the person responsible for public records 1060  
failed to comply with an obligation in accordance with division 1061  
(B) of this section. 1062

The amount of statutory damages shall be fixed at one 1063  
hundred dollars for each business day during which the public 1064  
office or person responsible for the requested public records 1065  
failed to comply with an obligation in accordance with division 1066  
(B) of this section, beginning with the day on which the 1067  
requester files a mandamus action to recover statutory damages, 1068

up to a maximum of one thousand dollars. The award of statutory 1069  
damages shall not be construed as a penalty, but as compensation 1070  
for injury arising from lost use of the requested information. 1071  
The existence of this injury shall be conclusively presumed. The 1072  
award of statutory damages shall be in addition to all other 1073  
remedies authorized by this section. 1074

The court may reduce an award of statutory damages or not 1075  
award statutory damages if the court determines both of the 1076  
following: 1077

(a) That, based on the ordinary application of statutory 1078  
law and case law as it existed at the time of the conduct or 1079  
threatened conduct of the public office or person responsible 1080  
for the requested public records that allegedly constitutes a 1081  
failure to comply with an obligation in accordance with division 1082  
(B) of this section and that was the basis of the mandamus 1083  
action, a well-informed public office or person responsible for 1084  
the requested public records reasonably would believe that the 1085  
conduct or threatened conduct of the public office or person 1086  
responsible for the requested public records did not constitute 1087  
a failure to comply with an obligation in accordance with 1088  
division (B) of this section; 1089

(b) That a well-informed public office or person 1090  
responsible for the requested public records reasonably would 1091  
believe that the conduct or threatened conduct of the public 1092  
office or person responsible for the requested public records 1093  
would serve the public policy that underlies the authority that 1094  
is asserted as permitting that conduct or threatened conduct. 1095

(3) In a mandamus action filed under division (C) (1) of 1096  
this section, the following apply: 1097

(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 1127  
of the alleged bad faith of the public office or person 1128  
responsible for the public records. This division shall not be 1129  
construed as creating a presumption that the public office or 1130  
the person responsible for the public records acted in bad faith 1131  
when the office or person voluntarily made the public records 1132  
available to the relator for the first time after the relator 1133  
commenced the mandamus action, but before the court issued any 1134  
order described in this division. 1135

(c) The court shall not award attorney's fees to the 1136  
relator if the court determines both of the following: 1137

(i) That, based on the ordinary application of statutory 1138  
law and case law as it existed at the time of the conduct or 1139  
threatened conduct of the public office or person responsible 1140  
for the requested public records that allegedly constitutes a 1141  
failure to comply with an obligation in accordance with division 1142  
(B) of this section and that was the basis of the mandamus 1143  
action, a well-informed public office or person responsible for 1144  
the requested public records reasonably would believe that the 1145  
conduct or threatened conduct of the public office or person 1146  
responsible for the requested public records did not constitute 1147  
a failure to comply with an obligation in accordance with 1148  
division (B) of this section; 1149

(ii) That a well-informed public office or person 1150  
responsible for the requested public records reasonably would 1151  
believe that the conduct or threatened conduct of the public 1152  
office or person responsible for the requested public records 1153  
would serve the public policy that underlies the authority that 1154  
is asserted as permitting that conduct or threatened conduct. 1155

(4) All of the following apply to any award of reasonable 1156

attorney's fees awarded under division (C) (3) (b) of this 1157  
section: 1158

(a) The fees shall be construed as remedial and not 1159  
punitive. 1160

(b) The fees awarded shall not exceed the total of the 1161  
reasonable attorney's fees incurred before the public record was 1162  
made available to the relator and the fees described in division 1163  
(C) (4) (c) of this section. 1164

(c) Reasonable attorney's fees shall include reasonable 1165  
fees incurred to produce proof of the reasonableness and amount 1166  
of the fees and to otherwise litigate entitlement to the fees. 1167

(d) The court may reduce the amount of fees awarded if the 1168  
court determines that, given the factual circumstances involved 1169  
with the specific public records request, an alternative means 1170  
should have been pursued to more effectively and efficiently 1171  
resolve the dispute that was subject to the mandamus action 1172  
filed under division (C) (1) of this section. 1173

(5) If the court does not issue a writ of mandamus under 1174  
division (C) of this section and the court determines at that 1175  
time that the bringing of the mandamus action was frivolous 1176  
conduct as defined in division (A) of section 2323.51 of the 1177  
Revised Code, the court may award to the public office all court 1178  
costs, expenses, and reasonable attorney's fees, as determined 1179  
by the court. 1180

(D) Chapter 1347. of the Revised Code does not limit the 1181  
provisions of this section. 1182

(E) (1) To ensure that all employees of public offices are 1183  
appropriately educated about a public office's obligations under 1184  
division (B) of this section, all elected officials or their 1185

appropriate designees shall attend training approved by the 1186  
attorney general as provided in section 109.43 of the Revised 1187  
Code. A future official may satisfy the requirements of this 1188  
division by attending the training before taking office, 1189  
provided that the future official may not send a designee in the 1190  
future official's place. 1191

(2) All public offices shall adopt a public records policy 1192  
in compliance with this section for responding to public records 1193  
requests. In adopting a public records policy under this 1194  
division, a public office may obtain guidance from the model 1195  
public records policy developed and provided to the public 1196  
office by the attorney general under section 109.43 of the 1197  
Revised Code. Except as otherwise provided in this section, the 1198  
policy may not limit the number of public records that the 1199  
public office will make available to a single person, may not 1200  
limit the number of public records that it will make available 1201  
during a fixed period of time, and may not establish a fixed 1202  
period of time before it will respond to a request for 1203  
inspection or copying of public records, unless that period is 1204  
less than eight hours. 1205

The public office shall distribute the public records 1206  
policy adopted by the public office under this division to the 1207  
employee of the public office who is the records custodian or 1208  
records manager or otherwise has custody of the records of that 1209  
office. The public office shall require that employee to 1210  
acknowledge receipt of the copy of the public records policy. 1211  
The public office shall create a poster that describes its 1212  
public records policy and shall post the poster in a conspicuous 1213  
place in the public office and in all locations where the public 1214  
office has branch offices. The public office may post its public 1215  
records policy on the internet web site of the public office if 1216

the public office maintains an internet web site. A public 1217  
office that has established a manual or handbook of its general 1218  
policies and procedures for all employees of the public office 1219  
shall include the public records policy of the public office in 1220  
the manual or handbook. 1221

(F) (1) The bureau of motor vehicles may adopt rules 1222  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1223  
the number of bulk commercial special extraction requests made 1224  
by a person for the same records or for updated records during a 1225  
calendar year. The rules may include provisions for charges to 1226  
be made for bulk commercial special extraction requests for the 1227  
actual cost of the bureau, plus special extraction costs, plus 1228  
ten per cent. The bureau may charge for expenses for redacting 1229  
information, the release of which is prohibited by law. 1230

(2) As used in division (F) (1) of this section: 1231

(a) "Actual cost" means the cost of depleted supplies, 1232  
records storage media costs, actual mailing and alternative 1233  
delivery costs, or other transmitting costs, and any direct 1234  
equipment operating and maintenance costs, including actual 1235  
costs paid to private contractors for copying services. 1236

(b) "Bulk commercial special extraction request" means a 1237  
request for copies of a record for information in a format other 1238  
than the format already available, or information that cannot be 1239  
extracted without examination of all items in a records series, 1240  
class of records, or database by a person who intends to use or 1241  
forward the copies for surveys, marketing, solicitation, or 1242  
resale for commercial purposes. "Bulk commercial special 1243  
extraction request" does not include a request by a person who 1244  
gives assurance to the bureau that the person making the request 1245  
does not intend to use or forward the requested copies for 1246

surveys, marketing, solicitation, or resale for commercial 1247  
purposes. 1248

(c) "Commercial" means profit-seeking production, buying, 1249  
or selling of any good, service, or other product. 1250

(d) "Special extraction costs" means the cost of the time 1251  
spent by the lowest paid employee competent to perform the task, 1252  
the actual amount paid to outside private contractors employed 1253  
by the bureau, or the actual cost incurred to create computer 1254  
programs to make the special extraction. "Special extraction 1255  
costs" include any charges paid to a public agency for computer 1256  
or records services. 1257

(3) For purposes of divisions (F) (1) and (2) of this 1258  
section, "surveys, marketing, solicitation, or resale for 1259  
commercial purposes" shall be narrowly construed and does not 1260  
include reporting or gathering news, reporting or gathering 1261  
information to assist citizen oversight or understanding of the 1262  
operation or activities of government, or nonprofit educational 1263  
research. 1264

(G) A request by a defendant, counsel of a defendant, or 1265  
any agent of a defendant in a criminal action that public 1266  
records related to that action be made available under this 1267  
section shall be considered a demand for discovery pursuant to 1268  
the Criminal Rules, except to the extent that the Criminal Rules 1269  
plainly indicate a contrary intent. The defendant, counsel of 1270  
the defendant, or agent of the defendant making a request under 1271  
this division shall serve a copy of the request on the 1272  
prosecuting attorney, director of law, or other chief legal 1273  
officer responsible for prosecuting the action. 1274

(H) (1) Any portion of a body-worn camera or dashboard 1275

camera recording described in divisions (A) (17) (b) to (h) of 1276  
this section may be released by consent of the subject of the 1277  
recording or a representative of that person, as specified in 1278  
those divisions, only if either of the following applies: 1279

(a) The recording will not be used in connection with any 1280  
probable or pending criminal proceedings; 1281

(b) The recording has been used in connection with a 1282  
criminal proceeding that was dismissed or for which a judgment 1283  
has been entered pursuant to Rule 32 of the Rules of Criminal 1284  
Procedure, and will not be used again in connection with any 1285  
probable or pending criminal proceedings. 1286

(2) If a public office denies a request to release a 1287  
restricted portion of a body-worn camera or dashboard camera 1288  
recording, as defined in division (A) (17) of this section, any 1289  
person may file a mandamus action pursuant to this section or a 1290  
complaint with the clerk of the court of claims pursuant to 1291  
section 2743.75 of the Revised Code, requesting the court to 1292  
order the release of all or portions of the recording. If the 1293  
court considering the request determines that the filing 1294  
articulates by clear and convincing evidence that the public 1295  
interest in the recording substantially outweighs privacy 1296  
interests and other interests asserted to deny release, the 1297  
court shall order the public office to release the recording. 1298

**Sec. 149.436.** Notwithstanding division (A) (1) ~~(gg)~~ (ff) of 1299  
section 149.43 of the Revised Code, upon written request made 1300  
and signed by the parent or guardian of an individual who is 1301  
less than eighteen years of age and was an occupant of a school 1302  
vehicle involved in a traffic accident, a public office or 1303  
person responsible for public records, having custody of any 1304  
record related to the traffic accident containing the personal 1305

information of the individual, shall transmit a copy of that 1306  
record to the recipient identified in the request. 1307

The written request shall identify the individual on whose 1308  
behalf the record is requested and the person to whom the record 1309  
shall be transmitted. The record shall be transmitted only to 1310  
the person identified in the written request as the recipient of 1311  
the record. 1312

A public office or person responsible for records 1313  
responding to a request under this section shall redact any 1314  
personal information contained in the record of any individual 1315  
less than eighteen years of age who is not the subject of the 1316  
request, before providing the record to the recipient. 1317

**Sec. 187.01.** As used in this chapter, "JobsOhio" means the 1318  
nonprofit corporation formed under this section, and includes 1319  
any subsidiary of that corporation. In any section of law that 1320  
refers to the nonprofit corporation formed under this section, 1321  
reference to the corporation includes reference to any such 1322  
subsidiary unless otherwise specified or clearly appearing from 1323  
the context. 1324

The governor is hereby authorized to form a nonprofit 1325  
corporation, to be named "JobsOhio," with the purposes of 1326  
promoting economic development, job creation, job retention, job 1327  
training, and the recruitment of business to this state. Except 1328  
as otherwise provided in this chapter, the corporation shall be 1329  
organized and operated in accordance with Chapter 1702. of the 1330  
Revised Code. The governor shall sign and file articles of 1331  
incorporation for the corporation with the secretary of state. 1332  
The legal existence of the corporation shall begin upon the 1333  
filing of the articles. 1334

In addition to meeting the requirements for articles of  
incorporation in Chapter 1702. of the Revised Code, the articles  
of incorporation for the nonprofit corporation shall set forth  
the following:

(A) The designation of the name of the corporation as  
JobsOhio;

(B) The creation of a board of directors consisting of  
nine directors, to be appointed by the governor, who satisfy the  
qualifications prescribed by section 187.02 of the Revised Code;

(C) A requirement that the governor make initial  
appointments to the board within sixty days after the filing of  
the articles of incorporation. Of the initial appointments made  
to the board, two shall be for a term ending one year after the  
date the articles were filed, two shall be for a term ending two  
years after the date the articles were filed, and five shall be  
for a term ending four years after the date the articles were  
filed. The articles shall state that, following the initial  
appointments, the governor shall appoint directors to terms of  
office of four years, with each term of office ending on the  
same day of the same month as did the term that it succeeds. If  
any director dies, resigns, or the director's status changes  
such that any of the requirements of division (C) of section  
187.02 of the Revised Code are no longer met, that director's  
seat on the board shall become immediately vacant. The governor  
shall forthwith fill the vacancy by appointment for the  
remainder of the term of office of the vacated seat.

(D) A requirement that the governor appoint one director  
to be chairperson of the board and procedures for electing  
directors to serve as officers of the corporation and members of  
an executive committee;

(E) A provision for the appointment of a chief investment officer of the corporation by the recommendation of the board and approval of the governor. The chief investment officer shall serve at the pleasure of the board and shall have the power to execute contracts, spend corporation funds, and hire employees on behalf of the corporation. If the position of chief investment officer becomes vacant for any reason, the vacancy shall be filled in the same manner as provided in this division.

(F) Provisions requiring the board to do all of the following:

(1) Adopt one or more resolutions providing for compensation of the chief investment officer;

(2) Approve an employee compensation plan recommended by the chief investment officer;

(3) Approve a contract with the director of development services for the corporation to assist the director and the development services agency with providing services or otherwise carrying out the functions or duties of the agency, including the operation and management of programs, offices, divisions, or boards, as may be determined by the director of development services in consultation with the governor;

(4) Approve all major contracts for services recommended by the chief investment officer;

(5) Establish an annual strategic plan and standards of measure to be used in evaluating the corporation's success in executing the plan;

(6) Establish a conflicts of interest policy that, at a minimum, complies with section 187.06 of the Revised Code;

(7) Hold a minimum of four board of directors meetings per 1393  
year at which a quorum of the board is physically present, and 1394  
such other meetings, at which directors' physical presence is 1395  
not required, as may be necessary. ~~Meetings at which a quorum of~~ 1396  
~~the board is required to be physically present~~ All board of 1397  
directors meetings are subject to divisions (C), (D), and (E) of 1398  
section 187.03 of the Revised Code. 1399

(8) Establish a records retention policy and present the 1400  
policy, and any subsequent changes to the policy, at a meeting 1401  
of the board of directors at which a quorum of the board is 1402  
required to be physically present pursuant to division (F) (7) of 1403  
this section; 1404

(9) Adopt standards of conduct for the directors. 1405

(G) A statement that directors shall not receive any 1406  
compensation from the corporation, except that directors may be 1407  
reimbursed for actual and necessary expenses incurred in 1408  
connection with services performed for the corporation; 1409

(H) A provision authorizing the board to amend provisions 1410  
of the corporation's articles of incorporation or regulations, 1411  
except provisions required by this chapter; 1412

(I) Procedures by which the corporation would be dissolved 1413  
and by which all corporation rights and assets would be 1414  
distributed to the state or to another corporation organized 1415  
under this chapter. These procedures shall incorporate any 1416  
separate procedures subsequently set forth in this chapter for 1417  
the dissolution of the corporation. The articles shall state 1418  
that no dissolution shall take effect until the corporation has 1419  
made adequate provision for the payment of any outstanding 1420  
bonds, notes, or other obligations. 1421

(J) A provision establishing an audit committee to be 1422  
comprised of directors. The articles shall require that the 1423  
audit committee hire a firm of independent certified public 1424  
accountants, selected in consultation with the auditor of state, 1425  
to perform, once each year, a financial audit of the corporation 1426  
and of any nonprofit entity the sole member of which is 1427  
JobsOhio. The articles also shall require all of the following: 1428

(1) Commencing with JobsOhio's fiscal year beginning July 1429  
1, 2012, the financial statements to be audited are to be 1430  
prepared in accordance with accounting principles and standards 1431  
set forth in all applicable pronouncements of the governmental 1432  
accounting standards board; 1433

(2) The firm of independent certified public accountants 1434  
hired is to conduct a supplemental compliance and control review 1435  
pursuant to a written agreement by and among the firm, the 1436  
auditor of state, JobsOhio, and any nonprofit entity the sole 1437  
member of which is JobsOhio; and 1438

(3) A copy of each financial audit report and each report 1439  
of the results of the compliance and control review are to be 1440  
provided to the governor, the auditor of state, the speaker of 1441  
the house of representatives, and the president of the senate. 1442

(K) A provision authorizing a majority of the 1443  
disinterested directors to remove a director for misconduct, as 1444  
that term may be defined in the articles or regulations of the 1445  
corporation. The removal of a director under this division 1446  
creates a vacancy on the board that the governor shall fill by 1447  
appointment for the remainder of the term of office of the 1448  
vacated seat. 1449

**Sec. 187.03.** (A) JobsOhio may perform such functions as 1450

permitted and shall perform such duties as prescribed by law and 1451  
as set forth in any contract entered into under section 187.04 1452  
of the Revised Code, but shall not be considered a state or 1453  
public department, agency, office, body, institution, or 1454  
instrumentality for purposes of section 1.60 or Chapter 102., 1455  
121., 125., or 149. of the Revised Code. JobsOhio and its board 1456  
of directors are not subject to the following sections of 1457  
Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1458  
1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1459  
1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1460  
1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1461  
1702.80, and 1702.99. Nothing in this division shall be 1462  
construed to impair the powers and duties of the Ohio ethics 1463  
commission described in section 102.06 of the Revised Code to 1464  
investigate and enforce section 102.02 of the Revised Code with 1465  
regard to individuals required to file statements under division 1466  
(B) (2) of this section. 1467

(B) (1) Directors and employees of JobsOhio are not 1468  
employees or officials of the state and, except as provided in 1469  
division (B) (2) of this section, are not subject to Chapter 1470  
102., 124., 145., or 4117. of the Revised Code. 1471

(2) The chief investment officer, any other officer or 1472  
employee with significant administrative, supervisory, 1473  
contracting, or investment authority, and any director of 1474  
JobsOhio shall file, with the Ohio ethics commission, a 1475  
financial disclosure statement pursuant to section 102.02 of the 1476  
Revised Code that includes, in place of the information required 1477  
by divisions (A) (2) (b), (g), (h), and (i) of that section, the 1478  
information required by divisions (A) and (B) of section 102.022 1479  
of the Revised Code. The governor shall comply with all 1480  
applicable requirements of section 102.02 of the Revised Code. 1481

(3) Actual or in-kind expenditures for the travel, meals, 1482  
or lodging of the governor or of any public official or employee 1483  
designated by the governor for the purpose of this division 1484  
shall not be considered a violation of section 102.03 of the 1485  
Revised Code if the expenditures are made by the corporation, or 1486  
on behalf of the corporation by any person, in connection with 1487  
the governor's performance of official duties related to 1488  
JobsOhio. The governor may designate any person, including a 1489  
person who is a public official or employee as defined in 1490  
section 102.01 of the Revised Code, for the purpose of this 1491  
division if such expenditures are made on behalf of the person 1492  
in connection with the governor's performance of official duties 1493  
related to JobsOhio. A public official or employee so designated 1494  
by the governor shall comply with all applicable requirements of 1495  
section 102.02 of the Revised Code. 1496

At the times and frequency agreed to under division (B) (2) 1497  
(b) of section 187.04 of the Revised Code, beginning in 2012, 1498  
the corporation shall file with the development services agency 1499  
a written report of all such expenditures paid or incurred 1500  
during the preceding calendar year. The report shall state the 1501  
dollar value and purpose of each expenditure, the date of each 1502  
expenditure, the name of the person that paid or incurred each 1503  
expenditure, and the location, if any, where services or 1504  
benefits of an expenditure were received, provided that any such 1505  
information that may disclose proprietary information as defined 1506  
in division (C) of this section shall not be included in the 1507  
report. 1508

(4) The prohibition applicable to former public officials 1509  
or employees in division (A) (1) of section 102.03 of the Revised 1510  
Code does not apply to any person appointed to be a director or 1511  
hired as an employee of JobsOhio. 1512

(5) Notwithstanding division (A) (2) of section 145.01 of the Revised Code, any person who is a former state employee shall no longer be considered a public employee for purposes of Chapter 145. of the Revised Code upon commencement of employment with JobsOhio.

(6) Any director, officer, or employee of JobsOhio may request an advisory opinion from the Ohio ethics commission with regard to questions concerning the provisions of sections 102.02 and 102.022 of the Revised Code to which the person is subject.

~~(C) Meetings of the board of directors at which a quorum of the board is required to be physically present pursuant to division (F) of section 187.01 of the Revised Code shall be open to the public except, by a majority vote of the directors present at the meeting, such a meeting may be closed to the public only for one or more of the following purposes:~~

(1) To consider business strategy of the corporation;

(2) To consider proprietary information belonging to potential applicants or potential recipients of business recruitment, retention, or creation incentives. For the purposes of this division, "proprietary information" means marketing plans, specific business strategy, production techniques and trade secrets, financial projections, or personal financial statements of applicants or members of the applicants' immediate family, including, but not limited to, tax records or other similar information not open to the public inspection.

(3) To consider legal matters, including litigation, in which the corporation is or may be involved;

(4) To consider personnel matters related to an individual employee of the corporation.

(D) The board of directors shall establish a reasonable 1542  
method whereby any person may obtain the time and place of all 1543  
public meetings described in division (C) of this section. The 1544  
method shall provide that any person, upon request and payment 1545  
of a reasonable fee, may obtain reasonable advance notification 1546  
of all such meetings. 1547

(E) The board of directors shall promptly prepare, file, 1548  
and maintain minutes of all public meetings described in 1549  
division (C) of this section. 1550

(F) Not later than March 1, 2012, and the first day of 1551  
March of each year thereafter, the chief investment officer of 1552  
JobsOhio shall prepare and submit a report of the corporation's 1553  
activities for the preceding year to the governor, the speaker 1554  
and minority leader of the house of representatives, and the 1555  
president and minority leader of the senate. The annual report 1556  
shall include the following: 1557

(1) An analysis of the state's economy; 1558

(2) A description of the structure, operation, and 1559  
financial status of the corporation; 1560

(3) A description of the corporation's strategy to improve 1561  
the state economy and the standards of measure used to evaluate 1562  
its progress; 1563

(4) An evaluation of the performance of current strategies 1564  
and major initiatives; 1565

(5) An analysis of any statutory or administrative 1566  
barriers to successful economic development, business 1567  
recruitment, and job growth in the state identified by JobsOhio 1568  
during the preceding year. 1569

**Sec. 187.04.** (A) The director of development services, as 1570  
soon as practical after February 18, 2011, shall execute a 1571  
contract with JobsOhio for the corporation to assist the 1572  
director and the development services agency with providing 1573  
services or otherwise carrying out the functions or duties of 1574  
the agency, including the operation and management of programs, 1575  
offices, divisions, or boards, as may be determined by the 1576  
director in consultation with the governor. The approval or 1577  
disapproval of awards involving public money shall remain 1578  
functions of the agency. All contracts for grants, loans, and 1579  
tax incentives involving public money shall be between the 1580  
agency and the recipient and shall be enforced by the agency. 1581  
JobsOhio may not execute contracts obligating the agency for 1582  
loans, grants, tax credits, or incentive awards recommended by 1583  
JobsOhio to the agency. Prior to execution, all contracts 1584  
between the director and JobsOhio entered into under this 1585  
section that obligate the agency to pay JobsOhio for services 1586  
rendered are subject to controlling board approval. 1587

The term of an initial contract entered into under this 1588  
section shall not extend beyond June 30, 2013. Thereafter, the 1589  
director and JobsOhio may renew the contract for subsequent 1590  
fiscal biennia, but at no time shall a particular contract be 1591  
effective for longer than a fiscal biennium of the general 1592  
assembly. 1593

JobsOhio's provision of services to the agency as 1594  
described in this section shall be pursuant to a contract 1595  
entered into under this section. If at any time the director 1596  
determines that the contract with JobsOhio may not be renewed 1597  
for the subsequent fiscal biennium, the director shall notify 1598  
JobsOhio of the director's decision not later than one hundred 1599  
twenty days prior to the end of the current fiscal biennium. If 1600

the director does not provide such written notice to JobsOhio 1601  
prior to one hundred days before the end of the current fiscal 1602  
biennium, the contract shall be renewed upon such terms as the 1603  
parties may agree, subject to the requirements of this section. 1604

(B) A contract entered into under this section shall 1605  
include all of the following: 1606

(1) Terms assigning to the corporation the duties of 1607  
advising and assisting the director in the director's evaluation 1608  
of the agency and the formulation of recommendations under 1609  
section 187.05 of the Revised Code; 1610

(2) Terms designating that records created or received by 1611  
JobsOhio ~~that are public records, as defined in section 149.43~~ 1612  
of the Revised Code, and shall be made available to the public 1613  
under the same conditions as are public records under section 1614  
149.43 of the Revised Code. ~~Documents~~ Additionally, the 1615  
following documents shall be designated to be made available to 1616  
the public pursuant to the contract, and shall be kept on file 1617  
with the agency. 1618

~~Among records to be designated under this division shall~~ 1619  
~~be the following:~~ 1620

(a) The corporation's federal income tax returns; 1621

(b) The report of expenditures described in division (B) 1622  
(3) of section 187.03 of the Revised Code. The records shall be 1623  
filed with the agency at such times and frequency as agreed to 1624  
by the corporation and the agency, which shall not be less 1625  
frequently than quarterly. 1626

(c) The annual total compensation paid to each officer and 1627  
employee of the corporation; 1628

(d) A copy of the report for each financial audit of the 1629  
corporation and of each supplemental compliance and control 1630  
review of the corporation performed by a firm of independent 1631  
certified public accountants pursuant to division (J) of section 1632  
187.01 of the Revised Code. 1633

(e) Records of any fully executed incentive proposals, to 1634  
be filed annually; 1635

(f) Records pertaining to the monitoring of commitments 1636  
made by incentive recipients, to be filed annually; 1637

(g) A copy of the minutes of all public meetings described 1638  
in division (C) of section 187.03 of the Revised Code not 1639  
otherwise closed to the public. 1640

(3) The following statement acknowledging that JobsOhio is 1641  
not acting as an agent of the state: 1642

"JobsOhio shall have no power or authority to bind the 1643  
state or to assume or create an obligation or responsibility, 1644  
expressed or implied, on behalf of the state or in its name, nor 1645  
shall JobsOhio represent to any person that it has any such 1646  
power or authority, except as expressly provided in this 1647  
contract." 1648

~~(C) (1) Records created kept by JobsOhio are not public 1649  
records for the purposes of Chapter 149. of the Revised Code, 1650  
regardless of who may have custody of the records, unless the 1651  
record is designated to be available to the public by the 1652  
contract under division (B) (2) of this section. 1653~~

~~(2) Records received by JobsOhio from any person or entity 1654  
that is not subject to section 149.43 of the Revised Code are 1655  
not public records for purposes of Chapter 149. of the Revised 1656  
Code, regardless of who may have custody of the records, unless 1657~~

~~the record is designated to be available to the public by the  
contract under division (B) (2) of this section.~~ 1658  
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~~(3) Records received by JobsOhio from a public office as  
defined in section 149.011 of the Revised Code that are not  
public records under section 149.43 of the Revised Code when in  
the custody of the public office are not public records for the  
purposes of section 149.43 of the Revised Code regardless of who  
has custody of the records.~~ 1660  
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~~(4) Division (B) of section 4701.19 of the Revised Code  
applies to any work papers of the firm of independent certified  
public accountants engaged to perform the annual financial audit  
and the supplemental compliance and control review described in  
division (J) of section 187.01 of the Revised Code, and to the  
financial audit report and any report of the supplemental  
compliance and control review, unless the record is designated  
to be available to the public by the contract under division (B)  
(2) of this section.~~ 1666  
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(D) Any contract executed under authority of this section 1675  
shall not negate, impair, or otherwise adversely affect the 1676  
obligation of this state to pay debt charges on securities 1677  
executed by the director or issued by the treasurer of state, 1678  
Ohio public facilities commission, or any other issuing 1679  
authority under Chapter 122., 151., 165., or 166. of the Revised 1680  
Code to fund economic development programs of the state, or to 1681  
abide by any pledge or covenant relating to the payment of those 1682  
debt charges made in any related proceedings. As used in this 1683  
division, "debt charges," "proceedings," and "securities" have 1684  
the same meanings as in section 133.01 of the Revised Code. 1685

(E) Nothing in this section, other than the requirement of 1686  
controlling board approval, shall prohibit the agency from 1687

contracting with JobsOhio to perform any of the following	1688
functions:	1689
(1) Promoting and advocating for the state;	1690
(2) Making recommendations to the agency;	1691
(3) Performing research for the agency;	1692
(4) Establishing and managing programs or offices on	1693
behalf of the agency, by contract;	1694
(5) Negotiating on behalf of the state.	1695
(F) Nothing in this section, other than the requirement of	1696
controlling board approval, shall prohibit the agency from	1697
compensating JobsOhio from funds currently appropriated to the	1698
agency to perform the functions described in division (E) of	1699
this section.	1700
<b>Section 2.</b> That existing sections 9.28, 121.22, 149.011,	1701
149.43, 149.436, 187.01, 187.03, and 187.04 of the Revised Code	1702
are hereby repealed.	1703
<b>Section 3.</b> Section 149.43 of the Revised Code is presented	1704
in this act as a composite of the section as amended by Am. Sub.	1705
H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B.	1706
341, Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub.	1707
S.B. 229, all of the 132nd General Assembly. The General	1708
Assembly, applying the principle stated in division (B) of	1709
section 1.52 of the Revised Code that amendments are to be	1710
harmonized if reasonably capable of simultaneous operation,	1711
finds that the composite is the resulting version of the section	1712
in effect prior to the effective date of the section as	1713
presented in this act.	1714